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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,825	11/13/2003	Ichitaro Kubota	D-1560	7865
32628 7590 01/09/2008 KANESAKA BERNER AND PARTNERS LLP 1700 DIAGONAL RD SUITE 310 ALEXANDRIA, VA 22314-2848			EXAMINER GRANT II, JEROME	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,825

Applicant(s)

KUBOTA, ICHITARO

Examiner

Jerome Grant II

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 7-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Detailed Action

1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Araki in view of Tesavis.

With respect to claim 1, Araki teaches an original feeding apparatus (see figure 1) for feeding an original, comprising: a sheet feeding tray 2b for stacking the original, feeding means (3a) disposed adjacent to the sheet feeding tray for feeding the original stacked on the sheet feeding tray one at a time, a transport roller (3b/3c) disposed adjacent to the feeding means for receiving the original from the feeding means at a nipping position (see para. 60, lines 1-4) thereof and for transporting the original along an outer surface thereof, drive means (motor- not shown, see para. 51 and bottom of para 62); for rotating the roller; and control means (not shown but see para. 49, bottom of para. 62a and the top of para. 65) for controlling the drive means and the transport roller.

What Araki fails to show is detecting the position of the transport roller at a nip position.

Teavis teaches an embedded controller 15 that detects documents in the roller and that detects a position of the nip roller as it contacts a document (which is the predetermined position of contact). See col. 2, lines 42-49.

Since Araki and Teavis are both directed toward controlling the flow of paper from a hopper (stack), the purpose of detecting the position of the nip with respect to a roller is clearly taught by Teavis and would have been contemplated by Araki.

It would have been obvious to one of ordinary skill in the art to modify the controller (not shown by Araki) with the controller taught by Teavis in order to detect the position of the roller as it nips the document for conveyance.

With respect to claim 2, Teavis teaches a roller 13. But the roller does not possess a position member as claimed.

However, it is well known to the skilled artisan that the controller 15 is informed of the radius of the rollers 13 and 14. Based on the rpms, it would not need a positioning member because the angular displacement could be determined by the rollers given the radius and the angular velocity of the roller.

Therefore, to one of ordinary skill in the art, a positioning member as claimed provides no advantage over the known prior art of measuring angular displacement, when the radius and angular velocity of the roller is determined.

With respect to claim 6, Araki in view of Teavis teaches all of the subject matter upon which the claim depends except for the specific teaching at rotating the transport roller at different speeds at different operations.

The examiner submits that It would have been obvious to rotate speeds of either feed or nip rollers in order to synchronize the conveyance of a document between the rollers.

The motivation for the rejection of Araki and Teavis is the same as that to claim 1.

2.

Claims Objected to As Containing Allowable Matter

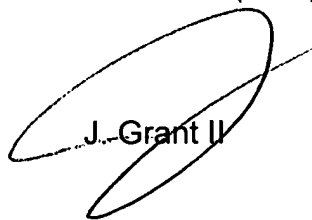
Claims 3-5 and 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles, can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


J. Grant II